

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TIMOTE O GOMEZ, )  
Plaintiff, ) No. C 08-1176 CRB (PR)  
v. ) ORDER OF DISMISSAL  
CAPTAIN DONAHUE, et al., ) (Doc # 2)  
Defendant(s). )

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This civil action by a prisoner was filed on February 27, 2008. The court notified plaintiff in writing at that time that the action was deficient because plaintiff did not pay the requisite \$350.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in the prisoner's account and a copy of the prisoner's trust account statement for the last six months. See 28 U.S.C. § 1915(a)(2). Plaintiff was advised that failure to file the requested items within 30 days would result in dismissal of the action.

More than 40 days have elapsed; however, plaintiff has not provided the court with the requisite items, or sought an extension of time to do so. Plaintiff's incomplete in forma pauperis application is DENIED and the action is DISMISSED without prejudice.

The clerk shall close the file and terminate all pending motions as moot.

SO ORDERED.

DATED: April 8, 2008

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CHARLES R. BREYER  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

TIMOTEO GOMEZ,

Case Number: CV08-01176 CRB

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

CAPTAIN DONAHUE, et al,

Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Timoteo Gomez F01170  
San Quentin State Prison  
1B22  
San Quentin, CA 94974

Dated: April 8, 2008

Richard W. Wiekling, Clerk  
By: Barbara Espinoza, Deputy Clerk